

**IC 36-7****ARTICLE 7. PLANNING AND DEVELOPMENT**

Ch. 1.	Definitions
Ch. 2.	General Powers Concerning Planning and Development
Ch. 3.	Platting and Vacation of Real Property
Ch. 4.	Local Planning and Zoning
Ch. 5.	Repealed
Ch. 5.1.	Joint District Planning and Zoning
Ch. 5.2.	Regulation of Amateur Radio Antennas
Ch. 6.	Repealed
Ch. 6.1.	Repealed
Ch. 6.2.	Repealed
Ch. 7.	Regional Planning Commissions
Ch. 7.5.	Multiple County Special Plan Commission for Reservoir Areas
Ch. 7.6.	Northwestern Indiana Regional Planning Commission
Ch. 8.	County Building Department and Building Standards
Ch. 9.	Unsafe Building Law
Ch. 10.	Miscellaneous Property Restrictions
Ch. 10.1.	Removal of Weeds and Rank Vegetation
Ch. 11.	Historic Preservation Generally
Ch. 11.1.	Historic Preservation in Marion County
Ch. 11.2.	Meridian Street Preservation
Ch. 11.3.	Municipal Preservation
Ch. 11.5.	Historic Hotel Preservation
Ch. 11.9.	Economic Development and Pollution Control; Definitions
Ch. 12.	Economic Development and Pollution Control
Ch. 13.	Industrial Development
Ch. 13.5.	Shoreline Development
Ch. 14.	Redevelopment of Areas Needing Redevelopment Generally; Redevelopment Commissions
Ch. 14.2.	Tax Rate Limitation
Ch. 14.5.	Redevelopment Authority
Ch. 14.7.	Repealed
Ch. 15.	Repealed
Ch. 15.1.	Redevelopment of Areas in Marion County Needing Redevelopment
Ch. 15.2.	Economic Development Project Districts in Marion County
Ch. 15.3.	Redevelopment Authority in Marion County
Ch. 15.5.	Improvement and Maintenance District for Indiana Central Canal in Indianapolis
Ch. 16.	Home Rehabilitation Loans
Ch. 17.	Urban Homesteading
Ch. 17.1.	Alternative Urban Homesteading Program for Qualified Individuals
Ch. 18.	Housing Authorities
Ch. 19.	Aid to Housing Authorities
Ch. 20.	Repealed
Ch. 21.	Special Improvement Districts for Redevelopment of Blighted Areas
Ch. 22.	Economic Improvement Districts
Ch. 23.	Multiple County Infrastructure Authority
Ch. 24.	Multiple County Juvenile Facility Authorities
Ch. 25.	Additional Powers of Redevelopment Commissions
Ch. 26.	Economic Development Project Districts
Ch. 27.	Economic Development Tax Area
Ch. 28.	Minority Enterprise Small Business Investment Companies
Ch. 29.	Local Environmental Response Financing
Ch. 30.	Reuse of Federal Military Bases
Ch. 30.1.	Planning and Zoning Affecting Military Bases
Ch. 30.5.	Development of Multicounty Federal Military Bases
Ch. 31.	Professional Sports Development Area in County Containing a Consolidated City
Ch. 31.3.	Professional Sports Development Area
Ch. 32.	Certified Technology Parks
Ch. 33.	State Institution Reuse Authority

Ch. 34.	Qualified Military Base Enhancement Area
Ch. 35.	Property Maintenance Areas
Ch. 36.	Abatement of Vacant Structures and Abandoned Structures
Ch. 37.	Determination of Abandoned Property
Ch. 38.	Land Banks

## **IC 36-7-1**

### **Chapter 1. Definitions**

36-7-1-0.1	Application of certain amendments to chapter
36-7-1-1	Application of chapter
36-7-1-2	"Advisory plan commission"
36-7-1-3	"Area needing redevelopment"
36-7-1-4	"Board of zoning appeals"
36-7-1-5	"Comprehensive plan"
36-7-1-6	"Development plan"
36-7-1-7	"Housing authority"
36-7-1-8	"Housing project"
36-7-1-9	Repealed
36-7-1-10	"Metropolitan development commission"
36-7-1-11	"Metropolitan plan commission"
36-7-1-12	"Municipal plan commission"
36-7-1-13	"Park board"
36-7-1-14	"Plan commission"
36-7-1-14.5	"Planned unit development"
36-7-1-15	"Planning department"
36-7-1-16	"Public place"
36-7-1-17	"Public way"
36-7-1-18	"Redevelopment"
36-7-1-18.5	"Remediation"
36-7-1-19	"Subdivision"
36-7-1-20	"Thoroughfare"
36-7-1-21	Repealed
36-7-1-22	"Zoning ordinance"

## **IC 36-7-1-0.1      Application of certain amendments to chapter**

Sec. 0.1. The following amendments to this chapter apply as follows:

- (1) The amendments made to section 5 of this chapter by P.L.335-1985 do not affect a proposal initiated before September 1, 1986, to amend, repeal, or otherwise change a comprehensive plan or zoning ordinance under IC 36-7-4. Such a proposal may be considered, adopted, and approved under the statutes in effect before September 1, 1986, as if P.L.335-1985 had not been enacted.
- (2) The addition of section 22 of this chapter by P.L.335-1985 does not affect a proposal initiated before September 1, 1986, to amend, repeal, or otherwise change a comprehensive plan or zoning ordinance under IC 36-7-4. Such a proposal may be considered, adopted, and approved under the statutes in effect before September 1, 1986, as if P.L.335-1985 had not been enacted.
- (3) The amendments made to sections 20 and 22 of this chapter by P.L.220-1986 do not affect a proposal initiated before September 1, 1986, to amend, repeal, or otherwise change a comprehensive plan or zoning ordinance under IC 36-7-4. Such a proposal may be considered, adopted, and approved under the statutes in effect before September 1, 1986, as if P.L.220-1986 had not been enacted.

*As added by P.L.220-2011, SEC.656.*

## **IC 36-7-1-1      Application of chapter**

Sec. 1. The definitions in IC 36-1-2 and in this chapter apply throughout this article.

[Local Government Recodification Citation: New.]

*As added by Acts 1980, P.L.211, SEC.2. Amended by Acts 1981, P.L.309, SEC.1.*

**IC 36-7-1-2 "Advisory plan commission"**

Sec. 2. "Advisory plan commission" means a municipal plan commission, a county plan commission, or a metropolitan plan commission.

[Pre-Local Government Recodification Citations: 18-7-3-8 part; 18-7-4-111 part; 18-7-5-3 part.]

*As added by Acts 1981, P.L.309, SEC.2.*

**IC 36-7-1-3 "Area needing redevelopment"**

Sec. 3. "Area needing redevelopment" means an area in which normal development and occupancy are undesirable or impossible because of any of the following:

- (1) Lack of development.
- (2) Cessation of growth.
- (3) Deteriorated or deteriorating improvements.
- (4) Environmental contamination.
- (5) Character of occupancy.
- (6) Age.
- (7) Obsolescence.
- (8) Substandard buildings.
- (9) Other factors that impair values or prevent a normal use or development of property.

[Pre-Local Government Recodification Citations: 18-7-7-3(a); 18-7-7.1-2(a); 18-7-7.5-1(h).]

*As added by Acts 1981, P.L.309, SEC.3. Amended by P.L.185-2005, SEC.4; P.L.221-2007, SEC.27.*

**IC 36-7-1-4 "Board of zoning appeals"**

Sec. 4. "Board of zoning appeals", unless preceded by a qualifying adjective, refers to a board of zoning appeals under either the advisory planning law, the area planning law, or the metropolitan development law.

[Pre-Local Government Recodification Citations: 18-7-4-104; 18-7-4-2 part.]

*As added by Acts 1981, P.L.309, SEC.4.*

**IC 36-7-1-5 "Comprehensive plan"**

Sec. 5. "Comprehensive plan" means a composite of all materials prepared and approved under the 500 series of IC 36-7-4 or under prior law. It includes a master plan adopted under any prior law. The comprehensive plan is separate from any zoning ordinance as defined in section 22 of this chapter.

[Pre-Local Government Recodification Citations: 18-7-4-106; 18-7-4-2 part; 18-7-5-3 part.]

*As added by Acts 1981, P.L.309, SEC.5. Amended by Acts 1981, P.L.310, SEC.1; P.L.192-1984, SEC.2; P.L.335-1985, SEC.1.*

**IC 36-7-1-6 "Development plan"**

Sec. 6. "Development plan" means a specific plan for the development of real property that:

- (1) requires approval by a plan commission under the 1400 series of IC 36-7-4;
- (2) includes a site plan;
- (3) satisfies the development requirements specified in the zoning ordinance regulating the development; and
- (4) contains the plan documentation and supporting information required by the zoning ordinance.

[Pre-Local Government Recodification Citations: 18-7-4-120; 18-7-5-3 part.]

*As added by Acts 1981, P.L.309, SEC.6. Amended by Acts 1981, P.L.310, SEC.2; P.L.320-1995, SEC.1.*

**IC 36-7-1-7 "Housing authority"**

Sec. 7. "Housing authority" refers to a housing authority established under IC 36-7-18.

[Pre-Local Government Recodification Citation: 18-7-12-3(a).]

*As added by Acts 1981, P.L.309, SEC.7.*

#### **IC 36-7-1-8 "Housing project"**

Sec. 8. "Housing project" means any work or undertaking of a housing authority in planning improvements, acquiring property, demolishing structures, constructing, altering, and repairing improvements, and performing other acts necessary to:

- (1) demolish, clear, or remove buildings from any area in which the majority of dwellings is detrimental to the public safety, health, and morals because of dilapidation, overcrowding, faulty design, lack of ventilation, light, or sanitary facilities, or a combination of these factors;
- (2) provide decent, safe, and sanitary living accommodations; or
- (3) accomplish a combination of these purposes.

[Pre-Local Government Recodification Citations: 18-7-11-3(j); 18-7-12-3(b).]

*As added by Acts 1981, P.L.309, SEC.8.*

#### **IC 36-7-1-9 Repealed**

[Pre-Local Government Recodification Citations: 18-7-1.1-3(c); 18-7-4-108; 18-7-4-2 part; 18-7-5-3 part; 18-7-6-2 part.]

*As added by Acts 1981, P.L.309, SEC.9. Amended by Acts 1982, P.L.33, SEC.29. Repealed by P.L.213-1986, SEC.12.*

#### **IC 36-7-1-10 "Metropolitan development commission"**

Sec. 10. "Metropolitan development commission" means the plan commission established by IC 36-7-4-202(c) for a county having a consolidated city. The term does not include a metropolitan plan commission established under IC 36-7-4-202(a).

*As added by Acts 1981, P.L.309, SEC.10.*

#### **IC 36-7-1-11 "Metropolitan plan commission"**

Sec. 11. "Metropolitan plan commission" means an advisory plan commission cooperatively established by a county and a second class city under IC 36-7-4-202(a). The term does not include the metropolitan development commission established by IC 36-7-4-202(c).

[Pre-Local Government Recodification Citations: 18-7-4-111 part; 18-7-5-3 part.]

*As added by Acts 1981, P.L.309, SEC.11.*

#### **IC 36-7-1-12 "Municipal plan commission"**

Sec. 12. "Municipal plan commission" means a city plan commission or a town plan commission.

[Pre-Local Government Recodification Citations: 18-7-4-103; 18-7-5-3 part.]

*As added by Acts 1981, P.L.309, SEC.12.*

#### **IC 36-7-1-13 "Park board"**

Sec. 13. "Park board" means board of parks and recreation or board of park commissioners.

[Pre-Local Government Recodification Citations: 18-7-4-111 part; 18-7-4-2 part; 18-7-5-3 part.]

*As added by Acts 1981, P.L.309, SEC.13.*

#### **IC 36-7-1-14 "Plan commission"**

Sec. 14. "Plan commission", unless preceded by a qualifying adjective, means an advisory plan commission, an area plan commission, or a metropolitan development commission. The term does not include a regional planning commission established under IC 36-7-7.

[Pre-Local Government Recodification Citations: 18-7-4-112; 18-7-4-2 part.]  
*As added by Acts 1981, P.L.309, SEC.14.*

**IC 36-7-1-14.5 "Planned unit development"**

Sec. 14.5. "Planned unit development" means development of real property:  
(1) in the manner set forth by the legislative body in the zoning ordinance; and  
(2) that meets the requirements of the 1500 series of IC 36-7-4.

*As added by P.L.320-1995, SEC.2.*

**IC 36-7-1-15 "Planning department"**

Sec. 15. "Planning department" refers to an area planning department under the area planning law.

[Pre-Local Government Recodification Citations: 18-7-4-113; 18-7-4-2 part; 18-7-5-3 part.]  
*As added by Acts 1981, P.L.309, SEC.15.*

**IC 36-7-1-16 "Public place"**

Sec. 16. "Public place" includes any tract owned by the state or a political subdivision.

[Pre-Local Government Recodification Citations: 18-7-4-115; 18-7-4-2 part; 18-7-5-3 part.]  
*As added by Acts 1981, P.L.309, SEC.16.*

**IC 36-7-1-17 "Public way"**

Sec. 17. "Public way" includes highway, street, avenue, boulevard, road, lane, or alley.

[Pre-Local Government Recodification Citations: 18-7-7-3(b); 18-7-7.1-2(b).]  
*As added by Acts 1981, P.L.309, SEC.17.*

**IC 36-7-1-18 "Redevelopment"**

Sec. 18. "Redevelopment" includes the following activities:

- (1) Acquiring real property in areas needing redevelopment.
- (2) Replatting and determining the proper use of real property acquired.
- (3) Opening, closing, relocating, widening, and improving public ways.
- (4) Relocating, constructing, and improving sewers, utility services, offstreet parking facilities, and levees.
- (5) Laying out and constructing necessary public improvements, including parks, playgrounds, and other recreational facilities.
- (6) Restricting the use of real property acquired according to law.
- (7) Repairing and maintaining buildings acquired, if demolition of those buildings is not considered necessary to carry out the redevelopment plan.
- (8) Rehabilitating real or personal property to carry out the redevelopment or urban renewal plan, regardless of whether the real or personal property is acquired by the unit.
- (9) Investigating and remediating environmental contamination on real property to carry out the redevelopment or urban renewal plan, regardless of whether the real property is acquired by the unit.
- (10) Disposing of property acquired on the terms and conditions and for the uses and purposes that best serve the interests of the units served by the redevelopment commission.
- (11) Making payments required or authorized by IC 8-23-17.
- (12) Performing all acts incident to the statutory powers and duties of a redevelopment commission.

[Pre-Local Government Recodification Citations: 18-7-4-119; 18-7-5-3 part.]  
*As added by Acts 1981, P.L.309, SEC.18. Amended by Acts 1982, P.L.77, SEC.7; P.L.18-1990, SEC.291; P.L.185-2005, SEC.5; P.L.221-2007, SEC.28.*

**IC 36-7-1-18.5        "Remediation"**

Sec. 18.5. "Remediation" has the meaning set forth in IC 13-11-2-186.

*As added by P.L.221-2007, SEC.29.*

**IC 36-7-1-19        "Subdivision"**

Sec. 19. "Subdivision" means the division of a parcel of land into lots, parcels, tracts, units, or interests in the manner defined and prescribed by a subdivision control ordinance adopted by the legislative body under IC 36-7-4.

[Pre-Local Government Recodification Citation: 18-4-20-7.]

*As added by Acts 1981, P.L.309, SEC.19. Amended by Acts 1981, P.L.310, SEC.3; Acts 1982, P.L.211, SEC.1.*

**IC 36-7-1-20        "Thoroughfare"**

Sec. 20. "Thoroughfare" means a public way or public place that is included in the thoroughfare plan of a unit. The term includes the entire right-of-way for public use of the thoroughfare and all surface and subsurface improvements on it such as sidewalks, curbs, shoulders, and utility lines and mains.

[Pre-Local Government Recodification Citations: 18-7-4-117; 18-7-4-2 part; 18-7-5-3 part.]

*As added by Acts 1981, P.L.309, SEC.20. Amended by Acts 1981, P.L.310, SEC.4; P.L.220-1986, SEC.1.*

**IC 36-7-1-21        Repealed**

[Pre-Local Government Recodification Citation: 18-7-3-2 part.]

*As added by Acts 1981, P.L.309, SEC.21. Repealed by Acts 1981, P.L.310, SEC.94.*

**IC 36-7-1-22        "Zoning ordinance"**

Sec. 22. "Zoning ordinance" refers to an ordinance adopted under the 600 series of IC 36-7-4 or under prior law. The term includes:

- (1) PUD district ordinances (as defined in IC 36-7-4-1503); and
- (2) all zone maps incorporated by reference into the ordinance as provided in the 600 series of IC 36-7-4.

*As added by P.L.335-1985, SEC.2. Amended by P.L.220-1986, SEC.2; P.L.320-1995, SEC.3.*